IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

CRL.A.No. 677 of 1998()

ST.396/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II,PATHANAMTHITTA

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APPELLANT/COMPLAINANT:

THE SECRETARY,
PRAMADAM GRAMA PANCHAYAT.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS/ACCUSED & STATE:

1.REMANY VASUDEVAN NAIR,
CHERUVAMPLAVIL, PRAMADOM, MALLASSERY P.O.

2.STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P. RAVINDRA BABU - R2

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.THANKAPPAN, J.

CRL. APPEAL NO.677 OF 1998

Dated this the 22nd day of March, 2007

JUDGMENT

This appeal of the year 1998 is filed against the order of acquittal in S.T.No.396 of 1998 on the file of the Judicial First Class Magistrate's Court II, Pathanamthitta. The appellant had filed a complaint against the first respondent alleging commission of offence punishable under Section 74 of the Kerala Panchayat Act (Act 32 of 1960). On the date of posting of the case, the appellant - complainant did not appear before the court below and hence the court below acquitted the first respondent - accused under Section 256(1) Cr.P.C. Special leave was granted by this Court and the appeal was filed. Notice issued to the first respondent was returned unserved stating that the first respondent had left the place after disposing of the property and that her present whereabouts were not known. The appeal, therefore, remains defective. This Court is of the view that no purpose will be served in keeping the appeal pending.

Hence, the Crl. Appeal is dismissed for non-prosecution.

(K.THANKAPPAN, JUDGE)

sp/

K.THANKAPPAN, J.

CRL.A.NO.677/1998

JUDGMENT

22ND MARCH, 2007.